

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cr. No. 05-1849 JH
)	
AYLA JARVIS, et al.,)	
)	
Defendants.)	

UNITED STATES' MOTION FOR LEAVE TO FILE SURREPLY
RE: "DEFENDANT AYLA JARVIS'S MOTION FOR A BILL OF
PARTICULARS AS TO COUNT 3 AND THE FORFEITURE ALLEGATION"

COMES NOW the United States of America, by and through David C. Iglesias, United States Attorney for the District of New Mexico, and James R.W. Braun, Assistant United States Attorney for said District, and hereby moves the court for leave to file a surreply re: "Defendant Ayla Jarvis's Motion for a Bill of Particulars as to Count 3 and the Forfeiture Allegation" (Doc. 713), and in support thereof states:

1. On October 20, 2006, defendant Ayla Jarvis filed her "Motion for a Bill of Particulars as to Count 3 and the Forfeiture Allegation of the Superseding Indictment." The United States filed a timely response to the motion and thereafter Jarvis filed a timely reply to the United States' response.

2. In her reply, Jarvis cites to the United States Supreme Court's recent decision in *United States v. Resendiz-Ponce*, 127 S.Ct. 782 (January 9, 2007). As this case was

decided after the United States filed its response, the United States should be allowed to file a surreply to address the new arguments made in Jarvis's reply.

3. The United States has drafted a surreply, which is attached hereto for the court's review.

4. Counsel for Jarvis, John Robbenhaar does not oppose this motion.

WHEREFORE, the United States requests leave of the court to file the surreply attached hereto.

Respectfully submitted,

DAVID C. IGLESIAS
United States Attorney

/s/ James R.W. Braun

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of February, 2007, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel of record for defendant Ayla Jarvis, John F. Robbenhaar, to be served by electronic means.

/s/ James R.W. Braun

JAMES R.W. BRAUN
Assistant U.S. Attorney